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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,183	03/29/2001	Srinivas Gutta	US010105	4515

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EXAMINER
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AKLILU, KIRUBEL

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/821,183

Applicant(s)

GUTTA ET AL.

Examiner

Kirubel Akililu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/29/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/29/02; 3/29/01</u>   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1,5-6,10-11,15-16, 20-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Imagawa et al. (U.S. Patent # 6,353,764)

1. As for **Claim 1**, Imagawa et al. teaches a method for controlling a media player (see col. 5 lines 17-25 "There may be one or several candidates. If, for example, the person selected as the operator is pointing toward an air conditioner and a television, both of them are to be controlled . . . for example, the uttered word "television" allows a television (or televisions) to be used as a candidate for a control object."), comprising:

establishing at least one rule defining a predefined user activity, said rule including at least one condition and an action item to be performed to automatically adjust said media player when said rule is satisfied (see col. 1 lines 47– 63 "This invention provides a control method characterized in that the attributes of one or several

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people are continuously or intermittently monitored to control predetermined equipment based on the detection of the people's predetermined attribute");

analyzing at least one of audio and video information focused on a user to identify said condition (see col. 2 lines 31-40 "the monitoring section 1 continuously monitors people's attributes and their peripheral environment. The people's attributes include people's positions, postures, faces, expressions, eyes or head directions, motions, voices, physiological conditions. . ."); and

performing said action item if said rule is satisfied (see col. 11 lines 52-62 "When a person picks up the telephone receiver, the control object candidate determination section 3 determines as a candidate the television that outputs sound, and the control content candidate determination section 4 determines the reduction of the sound volume as a candidate for the content of control.").

2. As for **Claim 5** Imagawa et al. teach said user activity is a predefined gestural command and said action item is the issuance of a corresponding command to said media player (see col. 11 lines 52-58 "When a person makes a motion of applying forefinger to the front of the mouth or plugging the ears with the hands, the control object candidate determination section 3 determines as a candidate the television that outputs sound, and the control content candidate determination section 4 determines the reduction of the sound volume as a candidate for the content of control.").

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3. As for **Claim 6**, Imagawa et al. teaches a method for controlling a media player, comprising:

analyzing at least one of audio and video information focused on a user to identify at least one predefined user activity (see col. 1 lines 47–63 “This invention provides a control method characterized in that the attributes of one or several people are continuously or intermittently monitored to control predetermined equipment based on the detection of the people’s predetermined attribute”); and

performing a predefined action item to automatically adjust said media player when said user activity is identified (see col. 11 lines 51-62 “When a person makes a motion of applying forefinger to the front of the mouth or plugging the ears with the hands, the control object candidate determination section 3 determines as a candidate the television that outputs sound, and the control content candidate determination section 4 determines the reduction of the sound volume as a candidate for the content of control.”).

4. As for **Claim 10**, the limitations in Claim 10 can be found in Claim 5. Claim 10 is analyzed and rejected as previously discussed with respect to Claim 5.

5. As for **Claim 11**, the limitations of Claim 11 can be found in the limitations of Claim

1. Claim 11 is analyzed and rejected as previously discussed with respect to Claim 1. Claim 11 further requires:

a system for controlling a media player, comprising: a memory for storing computer readable code (see Imagawa col. 4 lines 24-28 “the operator selection section 2 may determine an evaluation value for each person based on an evaluation method predetermined based on people’s attributes in order to select a person having an evaluation value that is larger than a reference value and that is also the largest”. It is inherent that the operator selection section 2 has a memory for storing computer readable code that is used to store the person’s evaluation value); and

a processor operatively coupled to said memory (It is inherent that the operator selection section 2 has a processor that is operatively coupled to said memory that will compare to judge the person’s evaluation value is larger than a reference value).

6. As to **Claim 15**, the limitations of Claim 15 can be found in the limitations of Claim 5.

Claim 15 is analyzed and rejected as previously discussed with respect to Claim 5.

7. As for **Claim 16**, the limitations of Claim 16 can be found in the limitations of Claim 6.

Claim 16 is analyzed and rejected as previously discussed with respect to Claim

6. Claim 16 further requires:

a memory for storing computer readable code (see Imagawa col. 4 lines 24-28 “the operator selection section 2 may determine an evaluation value for each person based on an evaluation method predetermined based on people’s attributes in order to select a person having an evaluation value that is larger than a reference value and that is also the largest”. It is inherent that the operator selection section 2 has a memory for storing computer readable code that is used to store the person’s evaluation value); and

a processor operatively coupled to said memory (It is inherent that the operator selection section 2 has a processor that is operatively coupled to said memory that will compare to judge the person’s evaluation value is larger than a reference value).

8. As for **Claim 20**, the limitations of Claim 20 can be found in the limitations of Claim 5.

Claim 20 is analyzed and rejected as previously discussed with respect to Claim 5.

9. As for **Claim 21**, the limitations of Claim 21 can be found in the limitations of Claim

1. Claim 21 is analyzed and rejected as previously discussed with respect to Claim 1. Claim 21 further requires:

a computer readable medium having computer readable code means embodied thereon (see Imagawa col. 4 lines 24-28 “the operator selection section 2 may determine an evaluation value for each person based on an

evaluation method predetermined based on people's attributes in order to select a person having an evaluation value that is larger than a reference value and that is also the largest". It is inherent that the operator selection section 2 has a memory for storing computer readable code that is used to store the person's evaluation value).

10. As for **Claim 22**, the limitations of Claim 22 can be found in the limitations of Claim 6. Claim 21 is analyzed and rejected as previously discussed with respect to Claim 6. Claim 21 further requires:

a computer readable medium having computer readable code means embodied thereon (see Imagawa col. 4 lines 24-28 "the operator selection section 2 may determine an evaluation value for each person based on an evaluation method predetermined based on people's attributes in order to select a person having an evaluation value that is larger than a reference value and that is also the largest". It is inherent that the operator selection section 2 has a memory for storing computer readable code that is used to store the person's evaluation value).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the



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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **2, 7, 12, and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Imagawa et al. in view of Johnson et al. (U.S. Patent # 6,363,204).

11. As for **Claims 2, 7, 12, and 17** the claims differ in that Imagawa et al. do not expressly teach said user activity suggests that said user is not paying attention to said media player and said action item is the issuance of a command to pause said media player. However, Johnson et al. teach a method for automatically pausing the playback of a DVD title when a user indicates that another activity is to be engaged. See Johnson et al. Fig. 5 and col. 7 lines 24-42 "In an exemplary embodiment, one of the video sources may comprise a DVD player while the other source may comprise a TV receiver. Responsive to an input or command by a user, effectuated via the input device 425, the computer subsystem 415 swaps the two video sequences between the two viewing areas such that the exemplary DVD video sequence is now displayed on the secondary viewing area 510 while the exemplary non-DVD video sequence is routed to the primary viewing area 508. In accordance with the teachings of the present invention, pursuant to this swapping, the DVD video sequence is automatically paused while it is routed to the secondary viewing area 510. The viewer is accordingly exposed to a fuller and richer viewing experience of the non-DVD video sequence routed to the primary viewing area 508. . .". When the user actively

inputs a command to the input device 425, which results in the DVD program being swapped to secondary viewing area 510, this action is interpreted that the viewer is no longer paying attention to said DVD program and results in the DVD program being automatically paused. .) In light of the teaching of Johnson et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Imagawa to issue a command to said media player to pause said media player when the user activity suggests that said user is not paying attention. One of ordinary skill in the art would have been motivated to do this in order to reduce computational load associated with said media player (see Johnson et al. Abstract "By automatically pausing the title playback, computational load on a processor subsystem associated with the system is minimized") as well as preserving the playback position of said media player (see Johnson et al. col. 7 lines 44-46 "at the same time, the playback position of the DVD video sequence is preserved for future viewing") when the user is not paying attention to said media player.

Claims **3, 8, 13, and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Imagawa et al. in view of Ismail et al. (U.S. Patent # 6,614,987).

12. As for **Claim 3, 8, 13, and 18**, the claims differ in that Imagawa et al. do not expressly teach said user activity suggests that said user is not paying attention

to said media player and said action item is the issuance of a command to said media player to begin recording. However, Ismail et al. teach a method for a user to cause recordation of a currently broadcasted program being viewed by the user by causing generation of a pause input (see Ismail col. 2 lines 34-44 "the user may cause recordation of a currently broadcasted program being viewed by the user by causing generation of a pause input. This advantageously allows a user to interpret viewing of a currently broadcasted program by recording the remainder of the program for subsequent viewing" and Fig. 10 and col. 13 lines 51-57 "If a user is watching a currently broadcasted program and wishes to stop or temporarily pause viewing of the program, the recording system 100 advantageously allows the program to be recorded so the user can resume viewing the program at a subsequent time." When a viewer causes the generation of a pause input while watching a program, this action is interpreted as the use in no longer paying attention to the broadcast of the television program. This action of not paying attention to the television program results in the television program being recorded.) In light of the teaching of Ismail et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Imagawa to issue a command to said media player to begin recording when the user activity suggests that said user is not paying attention. One of ordinary skill in the art would have been motivated to do this in order to store a media program so that viewers can view the program at a convenient time (see Ismail et al. col. 2 lines 1-8 "such

embodiments therefore provide the viewer with stored programs that match certain viewing preference of the user, which can be viewed at the viewer's leisure").

Claims **4, 9, 14, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Imagawa et al. in view of Kimoto et al. (U.S. Patent # 6,054,981).

13. As for **Claims 4, 9, 14, and 19** the claims differ in that Imagawa does not expressly teach said user activity suggests that said user is not paying attention to said media player and said action item is the issuance of a command to said media player to enter a power save mode. However, Kimoto et al. teaches a method and apparatus for power saving modes for a media player (such a computer monitor) when the media player has been on, but not in use for a specified amount of time (see Kimoto et al. col. 1 lines 8-12 "In order to reduce power consumption, computer monitors have been designed having a power-save mode that is automatically selected after the monitor has been on, but not in use, for a long period of time." When the monitor has been on, but not in use, for a long period of time, this condition is interpreted as the user has not been paying attention to said media player for specified amount of time.) In light of the teaching of Kimoto et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Imagawa

to issue a command to said media player to enter a power save mode when the user activity suggests that said user is not paying attention. One of ordinary skill in the art would have been motivated to do this in order to conserve energy consumed by the media player when the user is not paying attention to the media player. (see Kimoto et al. col. 1 lines 8-12 "In order to reduce power consumption, computer monitors have been designed having a power-save mode that is automatically selected after the monitor has been on, but not in use, for a long period of time." ).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirubel Aklilu whose telephone number is 703-305-8144(571-282-7342 after 3/2/2005). The examiner can normally be reached on 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 703-305-4795 (571-282-7353 after 3/2/2005). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA

2/3/2005



NGOC-YEN VU  
PRIMARY EXAMINER